

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
	§	
<b>VS.</b>	§	<b>CRIMINAL NO. 3:20-CR-22</b>
	§	
<b>DARREN FRANK MCCOY</b>	§	

**DEFENDANT’S RESPONSE TO GOVERNMENT’S OBJECTION TO  
DEFENDANT’S MOTION FOR CONTINUANCE OF SENTENCING**

**TO THE HONORABLE JEFFREY V. BROWN:**

Defendant, Darren Frank McCoy, by and through undersigned counsel, Grant M. Scheiner, files this response to the Government’s Objection to Defendant’s Motion for Continuance of Sentencing, as follows:

**I.**

In its Objection, the Government states, “[t]his case has been continued on numerous occasions, at the request of the Defendant.” That is misleading.

The sentencing portion of this case has been continued only once. On December 30, 2022, the defense requested a new scheduling order, to allow the United States Probation Department additional time to finish the Presentence Report (PSR). The defense wasn’t seeking additional time for its own benefit.

The defense only sought routine postponements during the pretrial phase for the following reasons: July 13, 2021 (to allow the parties to explore a plea agreement); October 6, 2021 (to obtain outstanding Government discovery and clarify a forensic issue); January 7, 2022 (to allow a defense expert to finish a forensic report, and to give the Government

additional time to supply outstanding discovery); April 6, 2022 (to allow the Government additional time to supply more outstanding discovery).

## **II.**

On May 11, 2023, the defense filed its only request to postpone the sentencing hearing, for the benefit of the Defendant. It is to ensure a more adequate response to the Amended PSR, which was filed just this week. We do not anticipate making another request.

Respectfully submitted,

**Scheiner Law Group P.C.**

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**ATTORNEY FOR DEFENDANT**

## **CERTIFICATE OF SERVICE**

I, the undersigned authority, hereby certify that a true and correct copy of the foregoing Defendant's Response to the Government's Objection to Defendant's Motion for Continuance of Sentencing was served via **Email/Electronic Service** on the Assistant United States Attorney in this matter on this the **11<sup>th</sup> day of May 2023.**

/s/: Grant M. Scheiner

**GRANT M. SCHEINER**